

REMARKS

Claims 1-22 are currently under examination and stand rejected. Claim 1 has been amended to include limitations of claims 20 and 21. Other amendments to the claims have been made to correct claim dependencies. Therefore, Applicant submits that no new matter has been added by way of amendment. Claim 10 has been canceled because it was not further limiting.

The title has been replaced with a new title as suggested in the Office action.

Applicant gratefully acknowledges the withdrawal of the rejection under 35 U.S.C. § 102.

Claims 1-2, 5-8, 10 and 21-22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Morimoto* in view of *Abreu*, however, Claim 20 was considered patentable over these references. Applicants respectfully disagree with the rejection because *Morimoto* lacks a photoconductive member and *Abreu* fails to disclose electrical stimulation of the eye or any structures that could be used to electrically stimulate the eye in a therapeutic manner. Moreover, there does not appear to be any reason to combine the references in a manner that would give the present invention as the *Morimoto* and *Abreu* devices serve very different purposes. In contrast to *Morimoto*, the *Abreu* device appears to receive stimulation from the eye and then send a signal to a remote location. Nevertheless, in order to expedite prosecution, Applicant has included the limitations from Claim 20, which was not rejected, into independent Claim 1. For these reasons it is believed that Claim 1 and all of the remaining claims which depend from Claim 1 in the application are patentable over *Morimoto* in view of *Abreu*.

Claims 3-4 and 14-19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Morimoto* in view of *Abreu* and further in view of *Chow* (U.S. 2003/0087202). Applicant respectfully disagrees with the rejection because as indicated above *Morimoto* lacks a photoconductive member and *Abreu* fails to disclose electrical stimulation of the eye or any structures that could be used to electrically stimulate the eye in a therapeutic manner. *Chow* teaches the use of invasive devices (implants into the subretinal space, see ¶¶ 8, 9) which are said to be more efficient at directing electric current flow between the stimulating and ground return electrodes. (¶ 59, line 7-12; see also ¶ 58, l. 9, ¶60, l. 5-7, for example). Moreover, there does not appear to be any reason to combine the references in a manner that would give the present invention as the devices serve very different purposes. In contrast to *Morimoto* and *Chow*, the *Abreu* device appears to receive stimulation from the eye and then send a signal to a remote

location. Thus, even if there was a reason to combine *Morimoto*, *Chow* and *Abreu*, which Applicant denies, the combination would likely result in an invasive implant having electrodes that would require implantation into the subretinal region of the eye and that would be used to send, rather than receive, an electrical signal. Nevertheless, in order to expedite prosecution Applicant has included the limitations from Claim 20, which was not rejected, into independent Claim 1. For these reasons it is believed that Claim 1 and all of the remaining claims which depend from Claim 1 are patentable over *Morimoto*, *Abreu* and *Chow*.

Claims 9, 11-13 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Morimoto* in view of *Abreu* and further in view of *Chow* (U.S. 2003/0014089), however, Claim 21 was considered patentable over these references. Applicant respectfully disagrees with the rejection because as indicated above *Morimoto* lacks a photoconductive member and *Abreu* fails to disclose electrical stimulation of the eye or any structures that could be used to electrically stimulate the eye in a therapeutic manner. *Chow* teaches the use of invasive devices (implants into the subretinal space, see ¶¶ 33). Moreover, there does not appear to be any reason to combine the references in a manner that would give the present invention as the devices serve very different purposes. In contrast to *Morimoto* and *Chow*, the *Abreu* device appears to receive stimulation from the eye and then send a signal to a remote location. Thus, even if there was a reason to combine *Morimoto* with *Chow* and with *Abreu*, which Applicant denies, the combination would likely result in an invasive implant having electrodes that would require implantation into the subretinal region of the eye and that would be used to send, rather than receive, an electrical signal. Nevertheless, in order to expedite prosecution Applicant has included the limitations from Claim 21, which was not rejected, into independent Claim 1. For these reasons it is believed that Claim 1 and all of the remaining claims which depend from Claim 1 are patentable over *Morimoto* in view of *Abreu* in further view of *Chow*.

For the reasons set forth above, Applicant submits that Claim 1 is allowable and that Claims 2-9, 11-19 and 22, which depend from Claim 1 and therefore contain all of its limitations, are also allowable for at least these same reasons.

An earnest endeavor has been made to place this application in condition for allowance, and such allowance is courteously solicited. If the Examiner has any questions regarding this Response, or is of the opinion that prosecution could be advanced by a telephone call, the

Examiner is encouraged to contact the undersigned. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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